

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
Executive Director

Southern District of New York  
Jennifer L. Brown  
Attorney-in-Charge

September 9, 2016

**BY ECF**

**MEMO ENDORSED**

Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, NY 10007

**Re: United States v. Roderick Gunn  
06 Cr. 911 (WHP); 14 Civ. 3228 (WHP)**

Dear Judge Pauley:

This letter is filed in connection with the Court's Order of August 19, 2016.

Mr. Gunn has filed a "placeholder" 28 U.S.C. § 2255 motion challenging his conviction for discharging a firearm during a crime of violence, 18 U.S.C. § 924(c)(1)(A)(iii), in light of Johnson v. United States, 135 S. Ct. 2551 (2015). By letter of June 23, 2016, the defense proposed to file a supplemental brief in support of Mr. Gunn's motion. In the interim, however, the Second Circuit decided United States v. Hill, No. 14-3872, holding that Hobbs Act robbery (which is Mr. Gunn's predicate offense) is a crime of violence for purposes of § 924(c)(3). I anticipate that Mr. Hill, who is represented by the Federal Defenders of New York, will seek rehearing and/or certiorari, and I therefore respectfully request that this Court stay consideration of Mr. Gunn's § 2255 motion pending final resolution of Hill. Other courts have granted stays in this posture. See United States v. Henlon, 13 Cr. 245 (JGK) (S.D.N.Y. Aug. 18, 2016), Dkt. No. 21.

Respectfully submitted,



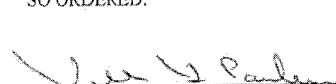
Mark B. Gombiner, Esq.  
Assistant Federal Defender  
Tel.: (212) 417-8718

Application granted in part and denied in part.  
This Court will abstain from ruling on the  
Johnson argument in Petitioner's motion pending  
further briefing from the Federal Defenders.

cc: AUSA Jennifer Burns, Esq. (by ECF)

However, this Court intends to rule on the remaining arguments raised by Petitioner, in connection with which the Federal Defenders are not representing Petitioner.

SO ORDERED:



9/13/16  
WILLIAM H. PAULEY III  
U.S.D.J.